

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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## TERMINAL DISCLAIMER

The undersigned is empowered to act on behalf of the Assignee, Masimo Corporation (“Assignee”).

In accordance with 37 C.F.R. 3.73(b), Assignee represents that it is the owner by assignment of the entire right, title and interest in the above-referenced patent which is a continuation of U.S. Patent No. 5,685,299, issued November 11, 1997, which is a continuation of U.S. Patent No. 5,490,505, issued February 13, 1996, which is a continuation-in-part of U.S. Application No. 07/666,060, filed March 7, 1991, now abandoned, all by virtue of an assignment recorded at Reel No. 5720, Frame No. 0533 on March 7, 1991; and an assignment recorded at Reel 6903, Frame 0498, on March 21, 1994 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Assignee hereby disclaims, except as provided below, any terminal part of the above-referenced patent which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 5,685,299, issued November 11, 1997, U.S. Patent No. 5,490,505 issued on February 13, 1996 entitled "SIGNAL PROCESSING APPARATUS," U.S. Patent No. 5,632,272 issued on May 27, 1997 entitled "SIGNAL PROCESSING APPARATUS," U.S. Patent No. 5,482,036

10/16/2002 SZEWDIE1 00000170 08943511

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110.00 OP

Serial No : 08/943,511  
Filed : Oct 6, 1997

issued on January 9, 1996 entitled "SIGNAL PROCESSING APPARATUS AND METHOD," U.S. Patent No. 5,769,785 issued on June 23, 1998 entitled "SIGNAL PROCESSING APPARATUS AND METHOD," U.S. Patent No. 6,036,642 issued on March 14, 2000 entitled "SIGNAL PROCESSING APPARATUS AND METHOD," U.S. Patent No. 6,206,830 issued on March 27, 2001 entitled "SIGNAL PROCESSING APPARATUS AND METHOD" and hereby agrees that the patent shall be enforceable only for and during such period that the legal title to said patent shall be the same as the patents listed above. This agreement extends to the above-referenced patent and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of the above-referenced patent prior to the earlier of the expiration date of the full statutory term of U.S. Patent Nos. 5,685,299, 5,490,505, 5,632,272, 5,482,036, 5,769,785, 6,036,642, and 6,206,830, as shortened by any terminal disclaimer filed prior to the patent grant, and that of the above-referenced patent in the event that any one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

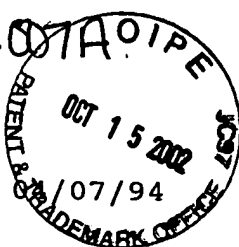
MASIMO CORPORATION  
2852 Kelvin Avenue  
Irvine, CA 92614

Date: October 1, 2002

By: 

Massi E. Kiani  
President and CEO

MASIMO



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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STEPHEN C. JENSEN  
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SIXTEENTH FLOOR  
620 NEWPORT CENTER DRIVE  
NEWPORT BEACH, CA 92660

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR:  
DIAB, MOHAMED K.

DOC DATE: 03/11/94

ASSIGNOR:  
KIANI-AZARBAYJANY, ESMAIEL

DOC DATE: 03/11/94

ASSIGNOR:  
WEBER, WALTER M.

DOC DATE: 03/11/94

RECORDATION DATE: 03/21/94 NUMBER OF PAGES 003 REEL/FRAME 6903/0498

DIGEST : ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:  
MASIMO CORPORATION  
26052 MERIT CIRCLE, SUITE 103  
LAGUNA HILLS, CA 92653

SERIAL NUMBER 8-132812  
PATENT NUMBER

FILING DATE  
ISSUE DATE

DOCKETED ON: MAY 09 1994	10/06/93
VERIFIED BY: <i>SC</i>	00/00/00
ACTION: <i>N/A</i>	
DUE DATE: _____	
FINAL DEADLINE: _____	
ATTY: <i>SC</i>	
ATTORNEY VERIFICATION OF DUE DATE AND FINAL DEADLINE: _____	

*D. Saunders*  
EXAMINER/PARALEGAL  
ASSIGNMENT BRANCH  
ASSIGNMENT/CERTIFICATION SERVICES DIVISION



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TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS: Please record the attached original documents or copy thereof.

① Name of conveying party(ies): (if multiple assignors, list numerically)

1. Mohamed K. Diab
2. Esmail Kiani-Azarbayjany
3. Walter M. Weber

Additional name(s) of conveying party(ies) attached?  
( ) Yes (X) No

② Name and address of receiving party(ies):

Name: Masimo Corporation  
Internal Address:  
Street Address: 26052 Merit Circle, Suite 103  
City: Laguna Hills State: CA ZIP: 92653

Additional name(s) of receiving party(ies) attached?  
( ) Yes (X) No

③ Nature of conveyance:

- (x) Assignment  
( ) Merger  
( ) Security Agreement  
( ) Change of Name  
( ) Other:

Execution Date: (If multiple assignors, list execution dates in numerical order corresponding to numbers indicated in 1 above)  
March 11, 1994

④ Application number(s) or Patent number(s):

( ) Application(s) filed herewith Execution Date(s):

(x) Patent Application Serial No.: 08132812  
Filing Date: October 6, 1993

( ) Patent No.:  
Issue Date:

Additional numbers attached? ( ) Yes (X) No

⑤ Name and address of party to whom correspondence concerning document should be mailed:

Name: Stephen C. Jensen  
KNOBBE, MARTENS, OLSON & BEAR  
Internal Address: Sixteenth Floor  
Street Address: 620 Newport Center Drive  
City: Newport Beach State: CA ZIP: 92660  
Attorney's Docket No.: MASIMO.007A

⑦ Total fee (37 CFR 3.41): \$45.00

- (X) Enclosed  
(X) Authorized to be charged to deposit account if any additional fees are required, or to credit any overpayment

⑧ Deposit account number: 11-1410

Please charge this account for any additional fees which may be required, or credit any overpayment to this account.

(Attach duplicate copy of this page if paying by deposit account.)

⑥ Total number of applications and patents involved: one

⑨ Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

Stephen C. Jensen  
Name of Person Signing

Stephen C. Jensen  
Signature

March 15, 1994  
Date

Total number of pages including cover sheet, attachments and document: 3

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Mail documents to be recorded with required cover sheet information to:

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Washington, D.C. 20231

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REEL 6903 FRAME 440

ASSIGNMENT

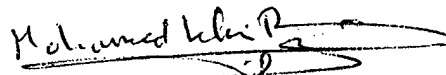
WHEREAS, We, Mohamed K. Diab, a Syria citizen, residing at 30041 Tessier Street, #98, Laguan Niguel, CA 92677, Esmail Kiani-Azarbayjany, an Iran citizen, residing at 35 Brindisi, Laguan Niguel, CA 92677 and Walter M. Weber, a United States citizen, residing at 25081 La Cresta Drive #A, Dana Point, CA 92629 have invented certain new and useful improvements in a SIGNAL PROCESSING APPARATUS for which we have executed an application for Letters Patent in the United States, Serial No. 08/132,812, filed October 6, 1993;

AND WHEREAS, Masimo Corporation, a California Corporation, with its principal place of business at 26052 Merit Circle, Suite 103, Laguna Hills, CA 92653, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) each to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said Masimo Corporation, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said Masimo Corporation, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said Masimo Corporation, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said Masimo Corporation, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 11 day of March, 1994.

  
Mohamed K. Diab

STATE OF California

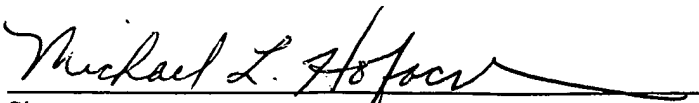
COUNTY OF Orange

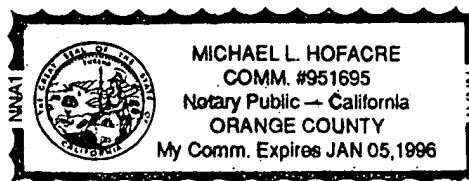
]] ss.

On March 11, 1994, before me, Michael L. Hofacre, personally appeared Mohamed K. Diab ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity~~(ies)~~, and that by his signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

  
Signature



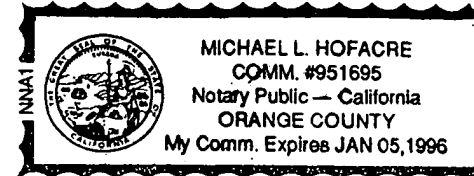
REEL 903 FRAME 99

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 11 day of March, 1994.

Esmail Kiani-Azarbayjany  
Esmail Kiani-Azarbayjany

STATE OF California  
COUNTY OF Orange

]] ss.



On March 11, 1994, before me, Michael L. Hofacre personally appeared Esmail Kiani-Azarbayjany ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(~~ies~~), and that by his signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Michael L. Hofacre  
Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 11<sup>th</sup> day of March, 1994.

Walter M. Weber  
Walter M. Weber

STATE OF California  
COUNTY OF Orange

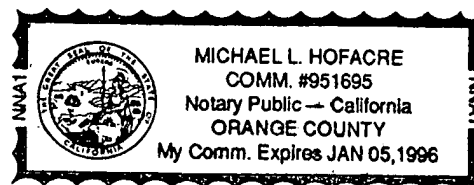
]] ss.

On March 11, 1994, before me, Michael L. Hofacre personally appeared Walter M. Weber ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(~~ies~~), and that by his signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

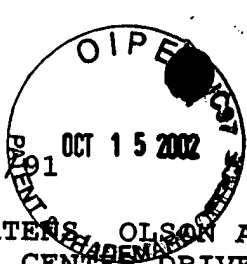
WITNESS my hand and official seal.

[SEAL]

Michael L. Hofacre  
Signature



USNC. 002A  
DHE



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Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DATE: 06/27/91

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620 NEWPORT CENTER DRIVE  
16TH FLOOR  
NEWPORT BEACH, CA 92660-8016

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ASSIGNOR:

DIAB, MOHAMED K.

DOC DATE: 03/06/91

ASSIGNOR:

KIANI-AZARBAYJANY, ESMAIEL

DOC DATE: 03/06/91

RECORDATION DATE: 03/07/91    NUMBER OF PAGES 003    REEL/FRAME 5720/0533

DIGEST :ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:

VITAL SIGNALS, INC., A CORPORATION OF CA  
26931 DIAMOND  
MISSION VIEJO, CALIFORNIA 92691

SERIAL NUMBER    7-666060

FILING DATE    03/07/91

PATENT NUMBER

ISSUE DATE    00/00/00

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